

REMARKS

In the Advisory Action dated March 18, 2008, the Examiner indicated that the response to the Final Office Action dated December 28, 2007, which was electronically filed on February 28, 2007, did not place the case in condition for allowance. In response, Applicants are filing a RCE and a Second Response to Final Office Action dated December 28, 2007 having a shortened statutory period for response extended one month set to expire on April 28, 2008. The Second Response to Final Office Action is filed in place of the Response to Final Office Action electronically filed on February 28, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claim Objections

The Examiner objected to claims 2, 4 and 15 due to informalities. Applicants have cancelled claims 2, 4 and 15, thereby obviating the objection.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-6, 8 and 15-17 under 35 U.S.C. § 103(a) as being obvious over *Shin* ("A novel optical signal-to-noise ratio monitoring technique for WDM networks", *Shin et al.*; Optical Fiber Communication Conference, 2000; Volume 2, 7-10 March 2000, Pages: 182-184) in view of *Ames* (U.S. Patent No. 6,661,817). The Examiner also rejected claim 18 under 35 U.S.C. § 103(a) as being obvious over *Chung* (U.S. Patent No. 6,433,864) and *Kang* (U.S. Patent No. 6,268,943). Applicants have cancelled claims 1-6, 8 and 15-18, thereby obviating the rejection.

Double Patenting

The Examiner provisionally rejected claim 18 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 11/546,075 in view of *Chung* (U.S. Pat. No. 6,433,864). As set forth above, Applicants have cancelled claim 18.

New Claims

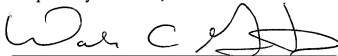
New claims 19-35 have been added to claim aspects of the present invention. Applicants submit that no new subject matter has been added. Further, Applicants believe that the

combination of *Shin* and *Ames* fails to teach or suggest the step of analyzing a portion of a dropped signal from an optical add/drop multiplexer to determine an optical signal to noise ratio, as recited in new claims 19-35. *Shin* merely discloses an OSNR monitor disposed in a wavelength division multiplexer (WDM) between a first AWG (arrayed waveguide grating) and a second AWG, wherein the OSNR monitor taps a portion of the multiplexed signal and analyzes the portion while the rest of the multiplexed signal is sent to the second AWG (see *Shin*, section II, Experiments). As clearly shown in Figure 1 of *Shin*, the OSNR monitor is not connected to a drop channel of the wavelength division multiplexer and therefore the OSNR monitor is not used to analyze a portion of a dropped signal to determine an optical signal to noise ratio, as recited in new claims 19-35. Furthermore, *Ames* does not cure the deficiency of *Shin*. Therefore, Applicants believe that new claims 19-35 are in condition for allowance and respectfully request the same.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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